

APPLICATION FOR SPECIAL VARIANCE PURSUANT TO SECTION 634 OF THE NEWARK CODIFIED  
ORDINANCE

Anyone wishing to have an event in the City of Newark for which it is anticipated will be in violation of the Newark Codified Ordinance section 634 for noise control, may apply for a variance through the Director of Public Safety. Any variance requested must state the reasons why complying with the noise control ordinance under the Newark Codified Ordinance would constitute an unreasonable hardship on the applicant, the community, or on other persons. **Such application, application fee, and any mandatory documentation must be submitted to the Director of Public Safety no later than sixty (60) days before the event. Applications received within sixty (60) days of the event are not guaranteed to be reviewed or considered prior to the date of the event. Applicant may also be required to submit to an onsite inspection of the venue if requested by the Director of Public Safety or his or her designee.**

Upon receipt of the application for a special variance, the Director of Public Safety is required to give notice to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Notice of the application shall be given by the Director of Public Safety by publishing notice of the application on the City of Newark website. Any individual who claims to be adversely affected by allowance of the special variance may file a written statement with the Director of Public Safety containing any information to support his or her claim. In determining whether to grant or deny an application for a special variance, the Director of Public Safety shall balance the hardship to the applicant, the community, and other persons against the adverse impact on the health, safety and welfare of affected persons, the adverse impact on property affected, and other adverse impacts of granting the special variance.

If a variance is granted, notice will be given to the applicant, containing all necessary conditions which may include a limit on decibel levels and a time limit on the permitted activity. **A SPECIAL VARIANCE SHALL NOT BECOME EFFECTIVE UNTIL ALL CONDITIONS ARE AGREED TO BY THE APPLICANT. NONCOMPLIANCE WITH ANY OF THE CONDITIONS OF THE SPECIAL VARIANCE SHALL TERMINATE IT AND SUBJECT THE PERSON RESPONSIBLE FOR THE EVENT TO THOSE PROVISIONS OF CHAPTER 634 OR ANY OTHER APPLICABLE SECTION OF THE NEWARK CODIFIED ORDINANCE REGULATING THE SOURCE OF SOUND OR ACTIVITY FOR WHICH THE SPECIAL VARIANCE WAS GRANTED.**

If a variance is denied, the decision may be appealed by the applicant to the Newark City Council for review. If a variance is granted, any person claiming to be adversely affected by the allowance of the special variance may also appeal to Newark City Council for review.